

**THE UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

IN RE: SUBPOENA TO PERKINS COIE LLP

Case No. 2:19-mc-00038

Judge Michael H. Watson

Magistrate Judge Deavers

**PLAINTIFFS' RESPONSE CLARIFYING THE SCOPE OF AT-ISSUE DOCUMENTS**

On January 3, 2024, the Court directed Plaintiffs to clarify which categories of documents are at issue in the above-captioned matter. ECF No. 75 (Jan. 3, 2024 Order) at 2-3. In accordance with the Court's order, Plaintiffs hereby affirm that the categories of documents at issue are the four categories of information identified in Plaintiffs' response to Perkins Coie LLP's ("Perkins Coie") motion to quash Plaintiffs' subpoena, *see* ECF No. 35 (Pls.' Response) at 2: "(1) the identity of OSU witnesses described in Perkins Coie's Report; (2) Perkins Coie's notes of communications with those witnesses; (3) its written communications with non-survivor OSU witnesses; and (4) OSU records which Perkins Coie uploaded into its electronic discovery database." Plaintiffs are not seeking the identity of, notes of communications with, or communications with the 177 survivor witnesses but are seeking the identity of, notes of communications with, and communications with current and former OSU employees, third-party/non-OSU witnesses, and other student witnesses—categories delineated in Perkins Coie's chart of "Number and Category of Witnesses Interviewed"—and included within Plaintiffs' underlying requests. ECF No. 35-2 at 17; *see, e.g.*, ECF No. 35-1 at 5 ("2. All documents generated by Perkins Coie LLP in relation to or concerning the Perkins Coie Report. 3. All communications in relation to or concerning the Perkins Coie Report.").

DATED: January 10, 2024

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**CERTIFICATE OF SERVICE**

A copy of this document was served by the Court's ECF System on all counsel of record on January 10, 2024, pursuant to Fed. R. Civ. P. 5(b)(2)(E).

/s/ Debra L. Greenberger  
Debra L. Greenberger